

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

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LUKE WILSON,		:
	Plaintiff	:
-against-		:
		:
THE TOWN OF MOUNT JACKSON, CHIEF		:
OF POLICE JEFF STERNER, SERGEANT		:
KEITH COWART, and POLICE OFFICERS		:
CHRISTINA WHORTON, ROBERT YOUNG		:
and MARK JOHNSON of the MOUNT		:
JACKSON POLICE DEPARTMENT, and		:
TODD HOLTZMAN,		:
	Defendants,	:
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MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Plaintiff, Luke Wilson, moves this Court, under Fed.R.Civ.P. Rule 15(a)(2), for leave to file an Amended Complaint. In support of his motion, Plaintiff states:

1. Plaintiff's initial Complaint was filed on August 17, 2021
2. A copy of Plaintiff's proposed Amended Complaint is attached as Exhibit A.
3. A copy of Plaintiff's proposed Amended Complaint with the proposed changes in redline is attached as Exhibit B.
4. Plaintiff is making this motion to amend in respond to the defendants' motions to dismiss and for judgment on the pleadings, which are pending before this Court.
5. More particularly, Plaintiff is amending to spell out by name that Offices Robert Young and Mark Johnson were the two officers who knowingly

assisted Officer Whorton in her false arrest and malicious prosecution of Plaintiff.

6. Because Officers Young and Johnson complained that this was a deficiency in Plaintiff's complaint, Plaintiff is moving to amend.

7. Plaintiff is further adding a citation to Virginia Code Ann. § 8:01-126(D)(4), so as to make it clear that Plaintiff had a clearly established right to be in 6091 Main Street on the night he was arrested.

8. The U.S. Supreme Court determined that "[i]n the absence of . . . undue delay, bad faith or dilatory motive . . . undue prejudice . . . futility of amendment, etc.—the leave sought should . . . be 'freely given.'" *Foman v. Davis*, 371 U.S. 178, 182 (1962).

9. In light of the fact that this case has only just begun and the amendments should be non-controversial, Plaintiff requests that this Court waive any requirement to file a separate memorandum of law.

10. In addition, the minor additions to the Amended Complaint should not necessitate any additional briefing on the Motions to Dismiss. To the extent any additional briefing is required, Defendants can address them in their reply briefs to their Motions to Dismiss.

WHEREFORE, Plaintiff, Luke Wilson, requests that this Court grant him leave to file the attached Amended Complaint (Exhibit A).

Dated: December 21, 2021
Brooklyn, New York

/s/ Brian L. Bromberg
Brian L. Bromberg
One of Plaintiff's Attorneys

Attorneys for Plaintiff

David W. Silek (Virginia Bar No. 47409)
Sandground, West, Silek & Raminpour, PLC
8229 Boone Boulevard, Suite 610
Vienna, Virginia 22182
Telephone: (703) 361-9700
Fax: (571) 327-3311
Email: dsilek@sileklaw.com

Thomas R. Breeden (Virginia Bar No. 33410)
Thomas R. Breeden, P.C.
10326 Lomond Drive
Manassas, Virginia 20109
Telephone: (703) 361-9277
Fax: (703) 337-0441
Email: trb@tbreedenlaw.com

Brian L. Bromberg (admitted *pro hac vice*)
Bromberg Law Office, P.C.
352 Rutland Road #1
Brooklyn, New York 11225
Telephone: (212) 248-7906
Fax: (212) 248-7908
Email: brian@bromberglawoffice.com

Certificate of Service

I hereby certify that on December 21, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Brian L. Bromberg
Brian L. Bromberg